

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-19-00493-CR

Jereme Rucker, Appellant

v.

The State of Texas, Appellee

**FROM THE 147TH DISTRICT COURT OF TRAVIS COUNTY
NO. D-1-DC-19-201667, THE HONORABLE CHUCK MILLER, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellant's brief was due on October 30, 2019. On November 19, 2019, this Court sent notice to appellant's counsel informing him that his brief was overdue and that if this Court did not receive a motion for extension of time or a brief accompanied by a motion for extension of time on or before December 2, 2019, a hearing before the trial court may be ordered. To date, the brief has not been tendered for filing and we have received no motion for extension of time or other response from appellant's counsel.

The appeal is abated and remanded to the trial court. The trial court shall conduct a hearing to determine whether appellant desires to prosecute this appeal and, if so, whether counsel has abandoned this appeal. *See* Tex. R. App. P. 38.8(b)(2), (3). The court shall make appropriate written findings and recommendations. *See id.* R. 38.8(b)(2), (3). If necessary, the

court shall appoint substitute counsel who will effectively represent appellant in this appeal. Following the hearing, which shall be transcribed, the trial court shall order the appropriate supplemental clerk's and reporter's records—including all findings and orders—to be prepared and forwarded to this Court no later than January 20, 2020. *See id.* R. 38.8(b)(3).

It is so ordered December 20, 2019.

Before Chief Justice Rose, Justices Triana and Smith

Abated and Remanded

Filed: December 20, 2019

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